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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/985,514 12/05/97 POISNER

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EXAMINER

TM02/0627

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ART UNIT

PAPER NUMBER

2152

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06/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.

08/985,514

Applicant(s)

POISNER, DAVID I.

Examiner

Paul H Kang

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6-8, 10, 11, 13, 17, 18, 20, 21 and 23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10, 11, 13, 17, 18, 20, 21 and 23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other: \_\_\_\_\_

1. In view of the appeal brief filed on June 19, 2000, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (a) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (b) request reinstatement of the appeal.

2. If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

3. This application has been reviewed. Original claims 5, 9, 12, 14-16, 19, 22 and 24-25 have been cancelled. Claims 1-4, 6-8, 10-11, 13, 17-18, 20-21 and 23 are pending.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

5. Claims 1, 6-8, 10, 17-18 and 20-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Boatman et al.

6. As to claims 1, 6, 10 and 20, Boatman et al. disclose a method for monitoring and controlling one or more devices in a common environment, *ABSTRACT*, comprising:

(a) collecting usage information from the one or more devices by a computer coupled to the one or more devices, *BACKGROUND, SUMMARY, Figs 1-2; site controllers initiate data collection from sensor devices, col 2 lines 1-49, used to monitor air or water quality;*

(b) storing the usage information in a memory associated with the computer, *col 2 lines 1-49; site controllers store sensor data in data storage devices for the data acquisition system;*

(c) periodically accessing a remote database by the computer, the remote database containing information specific to the one or more devices, *, col 2 lines 50-62; the data acquisition system systematically communicates with remote databases;*

the computer accessing the remote database to:

(d) transmit the usage information to the remote database, *col 2 line 50 - col 3 line 6. Usage information stored by data acquisition systems is transmitted to remote databases;*

(e) receive the information specific to the one or more devices from the remote database, *col 2 line 50 - col 3 line 6; Remote databases systematically collect data from data acquisition systems for analysis; and*

(f) transmitting a control signal from the computer to the one or more devices, the control signal being generated by the computer based on the information received from the remote database; *col 4 lines 5-33; data collected by the remote databases is used to control data collection operations at the sensor devices; additionally, remote databases control voltage-VOC measurement conversions at the sensor devices which are used for calibration procedures, col 5 lines 37-50.*

*In an environmental control system, sensor devices transmit data to a controller storage device programmed to systematically collect the sensor data. The controller systematically transmits sensor data in intervals to a remote database, which receives the data and controls further actions at the sensors as a result of the sensor data, col 2 line 36 - col 3 line 6, such as measurement calibrations based on manufacture data, col 5 lines 19-50, Fig 4. By this rationale, claims 1, 6, 10 and 20 are rejected.*

7. As to claims 7, 17 and 21, Boatman et al further disclose the method of claim 1, wherein the one or more devices include at least one home appliance and wherein the common environment is a house, *BACKGROUND. Casinos and nursing homes employ air and water quality monitoring devices in order to establish and maintain pollution-free environments for people and entertainment equipment. By this rationale, claims 7, 17 and 21 are rejected.*

8. As to claims 8 and 18, Boatman et al further disclose the method of claim 1, wherein the one or more devices comprise manufacturing equipment and wherein the common environment is a manufacturing facility *BACKGROUND. Manufacturing facilities employ air and water quality monitoring devices in order to establish and maintain pollution-free environments for people and equipment. By this rationale, claims 8 and 18 are rejected.*

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-4, 11, 13 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boatman et al.

11. As to claims, 2-4, 11-13 and 23, Boatman et al. disclose the invention substantially as claimed. Boatman et al. further disclose the method of claim 1, wherein the usage information collected from the device comprises *device operation and maintenance data, col 3 lines 7-34, col 4 lines 5-14. Data collected from sensor devices is used to identify filters and determine filter replacement frequencies for specific residues.*

However Boatman et al. do not explicitly disclose:

(a) an average length of time the one or more devices has been in operation over a period of time; (b) a number of occasions the one or more device has been in operation over the period of time; (c) a number of times maintenance was performed on the one or more devices over the period of time; and (d) types of maintenance operations that were performed on the one or more devices over the period of time.

*It would have been obvious to one of ordinary skill in the art at the time the invention was made to track device operation time, usage and maintenance history to establish filter replacement schedules. By this rationale, claims 2, 11-13 and 23 are rejected. Boatman et al. further disclose remote databases accessed by the controller via Internet connections which accommodate point-to-point sessions between the data acquisition system and the remote databases, Figs 1-2, col 3 lines 27-42. By this rationale, claims 3-4 are rejected.*

12. Claims 1, 10 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Colton et al., US Pat. No. 6,239,722.

13. As to claims 1, 10 and 20, Colton disclose a method for monitoring and controlling one or more devices in a common environment comprising:

- (a) collecting usage information from the one or more devices by a computer coupled to the one or more devices (col. 4, line 66 – col. 5, line 62);
- (b) storing the usage information in a memory associated with the computer (col. 4, line 66 – col. 5, line 62);
- (c) periodically accessing a remote database by the computer, the remote database containing information specific to the one or more devices (col. 5, line 63 – col. 6, line 53); the computer accessing the remote database to:
  - (d) transmit the usage information to the remote database (col. 5, line 63 – col. 7, line 18),
  - (e) receive the information specific to the one or more devices from the remote database (col. 6, line 54 – col. 7, line 18); and
  - (f) transmitting a control signal from the computer to the one or more devices, the control signal being generated by the computer based on the information received from the remote database (col. 6, line 54 – col. 7, line 18).

**Response to Arguments**

Applicant's arguments with respect to claims 1-4, 6-8, 10-11, 13, 17-18, 20-21 and 23 have been considered but are moot in view of the new ground(s) of rejection. The applicant

argued in substance that the prior art of record does not teach the limitation wherein the method for monitoring and controlling one or more devices comprises the step of “the computer accessing the remote database to transmit the usage information to the remote database” and “transmitting a control signal from the computer to the one or more devices,” as claimed.

In evaluating the claims with regard to the prior art, the examiner has given the broadest reasonable interpretation to the claim limitations. As stated in the response to arguments in the Final Office action of March 29, 2000 (paper no. 7), remote databases collect information specific to the one or more sensor devices, such as sensor identification number, air quality measurement, date and time, and site identification number, *col 3 lines 7-42*. Without providing a means for controlling the duration of filter use, the Boatman et al. invention cannot accomplish its stated objectives for overcoming the limitations of prior art environmental monitoring systems. Additionally, data collected by the remote databases is used to control data collection operations at the sensor devices, *col 2 lines 23-62, col 3 lines 35-43, col 4 lines 5-43*. System operators are authorized to review the contents of the remote database and program polling intervals from the sensors based on the results of the sensor data. Therefore, the Examiner maintains the position cited in the Final Office action. Further, the new grounds of rejection teaches this feature, therefore, the applicant's arguments are not deemed to be persuasive.



Art Unit: 2152

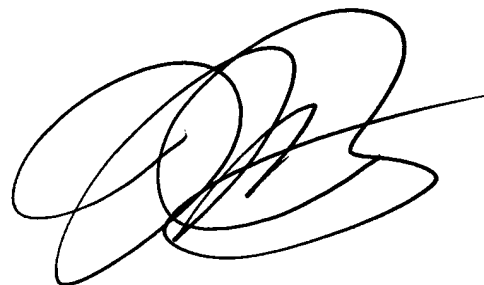
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9731 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Paul H Kang  
Examiner  
Art Unit 2152

June 23, 2001



**MARK H. RINEHART**  
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